Foxborough Regional Charter School

Non-Discrimination and Harassment Complaint Procedure

I. Purpose and Scope

The Foxborough Regional Charter School ("FRCS") is committed to maintaining an educational and employment environment free from unlawful discrimination, harassment, and retaliation. The purpose of this document is to implement and support FRCS's Non-Discrimination, Harassment, and Retaliation Policy by establishing a prompt, equitable, and impartial process for responding to complaints and reports of prohibited conduct.

This procedure applies to complaints alleging discrimination, harassment, or retaliation, as defined in FRCS policy, involving students, employees, applicants for admission or employment, volunteers, contractors, and visitors. This procedure applies to complaints alleging discrimination or harassment on the basis of any characteristic protected by applicable law, including but not limited to race, color, national origin, ethnicity, sex, sexual orientation, gender identity, religion, disability, age, genetic information, homelessness, status as a victim of domestic violence, familial status, marital status, pregnancy or pregnancy-related conditions, military or veteran status, or any other category protected by state or federal law.

Complaints alleging conduct that may constitute sex discrimination or sexual harassment under Title IX shall be addressed through the FRCS's separate Title IX grievance procedures, where applicable.

This procedure applies to conduct occurring:

- on school grounds;
- at school-sponsored or school-related activities;
- on school transportation;
- through the use of school technology or electronic devices; and
- in certain circumstances, off-campus conduct that may materially and substantially interfere with a student's access to educational opportunities or disrupt school operations.

Nothing in this procedure shall be interpreted to infringe upon rights protected by the United States Constitution or applicable law. FRCS recognizes that the expression of ideas, viewpoints, or beliefs, standing alone, does not necessarily constitute unlawful discrimination or harassment.

II. Reporting Complaints

Any student, parent/guardian, employee, or other member of the school community who believes they have experienced or witnessed discrimination, harassment, or retaliation may report the conduct promptly to:

- a building principal or administrator;
- the FRCS's Civil Rights Coordinator;
- the Executive Director or designee; or
- any trusted staff member.

Any employee who receives a complaint or becomes aware of possible discrimination or harassment shall promptly notify the building principal or Civil Rights Coordinator.

Reports may be made verbally or in writing. Anonymous reports may also be accepted; however, anonymity may limit FRCS's ability to fully investigate the allegations.

FRCS may investigate and respond to alleged misconduct even if a complainant requests that no investigation occur, withdraws a complaint, or declines to participate.

III. Initial Response and Supportive Measures

Upon receiving a complaint or report, FRCS shall promptly assess whether supportive or interim measures are necessary to protect the health, safety, and educational access of involved individuals during the investigation process and implement them if deemed necessary.

Supportive measures may include, where appropriate:

- increased supervision;
- schedule adjustments;
- counseling or social work support;
- temporary separation of individuals;
- no-contact directives;
- safety planning; and/or
- other reasonable measures designed to prevent further misconduct or retaliation.

Supportive measures shall be implemented in a manner that is reasonably designed to minimize disruption while preserving fairness to all parties.

IV. Investigation Process

FRCS shall designate an appropriate investigator, which may include a building administrator, Civil Rights Coordinator, Executive Director's designee, or outside investigator.

The investigator shall conduct a prompt and impartial investigation, which may include:

- interviews of the complainant, respondent, and relevant witnesses;
- review of relevant documents, electronic communications, photographs, videos, or other evidence; and
- consideration of all relevant circumstances.

Both parties shall have an opportunity to provide information, identify witnesses, and submit relevant evidence.

FRCS will strive to complete investigations promptly, although the timeline may be extended where necessary due to the complexity of the allegations, witness availability, school vacations, law enforcement involvement, or other legitimate reasons.

FRCS shall maintain confidentiality to the extent practicable and consistent with its legal obligations, including obligations relating to student and personnel records.

V. Findings and Resolution

At the conclusion of the investigation, the investigator shall determine whether the allegations are substantiated based upon a preponderance of the evidence.

If FRCS determines that discrimination, harassment, or retaliation occurred, FRCS shall take prompt and appropriate corrective action reasonably calculated to:

- end the conduct;
- prevent recurrence; and
- remedy the effects of the conduct on affected individuals and the school community.

Responsive actions may include:

- counseling or educational interventions;
- restorative or corrective measures;
- staff training;
- schedule or supervision modifications;
- disciplinary action consistent with applicable policies, collective bargaining agreements, student handbooks, and state and federal law; and/or
- referral to law enforcement where appropriate.

FRCS may also implement corrective or supportive measures where conduct does not rise to the level of a policy violation but nonetheless negatively impacts the school environment.

The complainant and respondent shall be notified, as appropriate, that the investigation has concluded and whether the complaint was substantiated. Specific disciplinary consequences concerning students or employees may not be disclosed except as permitted by law.

VI. Retaliation Prohibited

Retaliation against any individual for reporting discrimination or harassment, participating in an investigation, or opposing conduct reasonably believed to violate this policy is strictly prohibited.

Allegations of retaliation shall be investigated and addressed promptly and may result in disciplinary action.

VII. Appeals

A complainant or respondent who disagrees with the outcome of the investigation may submit a written appeal to the Executive Director or designee within 10 calendar days of receiving notice of the determination.

The appeal shall identify the basis for the appeal and any additional information the party wishes FRCS to consider.

The Executive Director or designee may:

- affirm the determination;
- modify the determination;
- remand the matter for further investigation; or
- take other appropriate action.

FRCS shall strive to issue a written response to the appeal within a reasonable period of time. Nothing in this procedure prevents an individual from pursuing rights or remedies available under state or federal law.

VIII. External Agencies

U.S. Department of Education
Office for Civil Rights (OCR)
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: (617) 289-0111
Website: https://www.ed.gov/ocr

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place
Boston, MA 02108
Telephone: (617) 994-6000
Website: https://www.mass.gov/mcad

Massachusetts Department of Elementary and Secondary Education
Problem Resolution System
75 Pleasant Street
Malden, MA 02148
Telephone: (781) 338-3700
Website: https://www.doe.mass.edu/prs/

IX. Recordkeeping

FRCS shall maintain records relating to complaints and investigations in accordance with applicable law and FRCS record retention practices.

Investigation records shall be treated as confidential to the extent permitted by law and may be shared only with individuals who have a legitimate educational or administrative interest in the matter.